

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Docket No. 23-cr-10158-DJC
KEMAL MRNDZIC,)	
)	
Defendant.)	

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(a)

The United States of America and the defendant, through counsel, hereby submit this joint memorandum addressing Local Rule 116.5(a).¹

Discovery matters are proceeding to the satisfaction of all parties, and the defendant is reviewing the material produced. As a result, the government and the defendant request that the status conference scheduled for September 14, 2023, be cancelled and an interim status conference date established in approximately 45 days. The parties propose the Interim Status Conference be held on October 30, 2023.

I. Local Rule 116.5(a)(1)

On July 13 , 2023, the government produced automatic discovery as required by Fed. R. Crim. P. 16 and Rules 116.1(c) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, as well as discovery beyond that required by these rules. On August 29, 2023, the government produced additional discovery to the defendant. There are presently no pending discovery requests.

II. Local Rule 116.5(a)(2)

The government will provide discovery in response to any future request(s) according to

¹ Pursuant to Fed. R. Crim. P. 16.1, the parties have conferred regarding the discovery timetable.

the local rules and pursuant to the Federal Criminal Rules of Criminal Procedure, including any supplemental discovery if any additional materials are obtained.

III. Local Rule 116.5(a)(3)

The defendant needs additional time to review the government's automatic discovery before determining whether it will be necessary to file a request for additional materials.

IV. Local Rule 116.5(a)(4)

The parties have not requested a protective order for discovery in this case.

V. Local Rule 116.5(a)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b).

VI. Local Rule 116.5(a)(6)

Because of the complexity of this matter, the parties have yet to agree on an appropriate schedule for expert disclosures. The parties intend to propose a schedule prior to the Final Status Conference.

VII. Local Rule 116.5(a)(7)

The government and the defendant agree that the period from the defendant's arraignment upon the indictment on June 14, 2023, through September 14, 2023, the date set for the initial status conference, was properly excluded by this Court's order on excludable delay. [D.29]. The government and the defendant further agree that the time period between September 14, 2023, and the next status conference should be excluded because the parties have been and are using the period of the continuance to complete review of discovery and discuss a potential resolution of this matter. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of

the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

VIII. Local Rule 116.5(a)(8)

The government and the defendant request that an interim status conference date be established approximately 45 days in the future, and propose a time convenient for the Court on October 30, 2023.

Respectfully submitted,

KEMAL MRNDZIC,

JOSHUA S. LEVY
ACTING UNITED STATES ATTORNEY,

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Date: September 7, 2023

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by regular mail to the participants who do not receive electronic filing.

s/ John T. McNeil
John T. McNeil
Assistant U.S. Attorney

Date: September 7, 2023